

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	)	<b>Case No: 11-42328</b>
<b>Debra Sue Kitson</b>	)	Chapter 13
	)	
	)	<b>Motion for Continuation of the</b>
Debtor/Movant.	)	<b>Automatic Stay</b>
	)	
	)	<b>Hearing Date: March 28, 2011</b>
	)	<b>Hearing Time: 10:00 a.m.</b>
	)	<b>Hearing Place: 7 North</b>

**MOTION FOR CONTINUATION OF THE AUTOMATIC STAY**  
**PURSUANT TO 11 U.S.C. 362(c) (3) (B)**

**COMES NOW DEBTOR, Debra Sue Kitson**, by and through her attorney of record, and for her Motion for Continuation of the Automatic Stay, states to the Court as follows:

1. The Debtor filed for relief under Chapter 13 in the Eastern District of Missouri on March 14, 2011. This is a core proceeding.
2. This motion is filed within 10 days of filing the above captioned voluntary petition as required by the Implementation Order for Interim Procedures Under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 for the Eastern District of Missouri, paragraph 32.
3. The Debtor was a debtor in one previous Chapter 13 bankruptcy case during the year preceding her current bankruptcy. That case was filed on August 5<sup>th</sup>, 2008 and was assigned case number 09-456408-45848-659.
4. The Debtor's previous case was dismissed on September 8, 2010 upon Motion by the Chapter 13 trustee for failure to make plan payments. The Debtor was approximately two months delinquent at the time of dismissal.
5. The circumstances that primarily led to the dismissal of the Debtor's previous case were:
  - a. Debtor is a self-employed business owner who contracts her cleaning

services as Debbie's Housecleaning.

- b. Debtor was having medical problems and needed a hysterectomy operation which was performed January 26, 2010.
  - c. Debtor needed 6 weeks to recover and still was not able to sustain her previous workload after her recovery time frame.
  - d. Debtor's husband departed the home in July of 2010 and was not contributing to the maintenance of the chapter 13 payment plan.
  - e. Debtor's plan payments were too high and as a sole income unable to maintain them.
6. The following change of circumstances demonstrates that the Debtor can perform this plan and is likely to complete the case successfully:
- a. Debtor is surrendering her interest in the 1999 Ford F-250 in the current chapter 13 case.
  - b. Surrendering her interests in the 1999 Ford F-250 will reduce her monthly payments to the Trustee making the plan more affordable for her current financial situation.
  - c. Debtor has recovered from her medical situation and is able to maintain her current client base and has also increased her client base with 3 new customers.

7. The current bankruptcy is filed in good faith. The fact that Debtor is now giving up the 1999 Ford F-250 and earns more money, means she has more to pay creditors; this constitutes a substantial change in his financial affairs under 11 U.S.C. § 362(c) (3) (C) (i) (III).

8. Under 11 U.S.C. 362(c) (3)(A), the Debtor believes the bankruptcy stay is effective as to all creditors who have taken no action with respect to debt or property since the dismissal of the Debtor's prior bankruptcy. However, the Debtor is unaware of whether

any of her creditors have taken such action without providing her notice. The Debtor has thus filed her motion to extend the stay to all creditors who have taken action with respect to her debt or property. The Debtor expects creditors to file a response to this motion prior to the date this motion will be heard. If no response is filed, the Debtor requests the Court enter an Order confirming the presence of the stay as to all creditors. In the event such an action was taken and a creditor does in fact respond to the motion, the Debtor requests the Court enter an order continuing the stay as to those specific creditors for the above referenced reasons.

WHEREFORE, Debtor respectfully requests that the Court enter an Order confirming the presence of the stay as to all creditors, or in the alternative an Order finding the second Chapter 13 bankruptcy case, being assigned case number 10-40890 was filed in good faith and extending the stay as to all creditors who have acted with respect to the Debtor's debt or property; and for such other and further relief as this Court deems necessary and proper under the circumstances.

Respectfully Submitted,  
GOLDBERG LAW FIRM, LLC

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**PROOF OF SERVICE**

The undersigned certifies that a true copy of Debtors' Motion for Continuation of the Automatic Stay was served via first-class mail, postage prepaid, or by the court's ECF system on this 16<sup>th</sup> day of March, 2011, to the persons listed below:

John V. LaBarge, Jr.,  
P.O. Box 430908  
St. Louis, Missouri 63143

BAC Home Loans Servicing, LP  
P.O. Box 660694  
Dallas, TX 75266

Account Resolution Corp.  
Re: West County Radiology  
17600 Chesterfield Airport Rd.  
Chesterfield, MO 63005

BAC/Countrywide  
450 American St. #SV416  
Simi Valley, CA 93065

Central Financial Control  
Re: Des Peres Hospital  
PO Box 66051  
Anaheim, CA 92816

Chase  
PO Box 901076  
Fort Worth, TX 76101

Consumer Adjustment Co.  
Re: St. Anthony's Medical Ctr.  
12855 Tesson Ferry Rd  
St. Louis, MO 63128

Gary Kitson  
822 Oxford  
Hillsboro, MO 63050

IRS Centralized Insolvency  
PO Box 7346  
Philadelphia, PA 19114

Medical Commercial Audit I  
Re: Byrnes Mill Medical Ctr  
PO Box 480  
High Ridge, MO 63049

Millsap & Singer PC  
Re: BAC Home Loan  
612 Spirit Dr.  
St. Louis, MO 63005

NCO Fin/38  
Re: Impatient Consultants  
2360 Campbell Creek Ste. 500  
Richardson, TX 75082

Regional Credit Services  
Re: Eagle Bank and Trust Co.  
1201 Jefferson St. Ste.150  
Washington, MO 63090

St. Louis Clinical Pathology, LLC  
PO Box 957930  
St. Louis, MO 63195

Tek-Collect  
Re: Big River Ambulance District  
PO Box 1269  
Columbus, OH 43216

Westlake Financial Svcs  
4751 Wilshire Blvd.  
Los Angeles, CA 90010

Respectfully Submitted,  
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